

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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U.S. DISTRICT COURT

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TX EASTERN-MARSHALL

ICOMM TECHNOLOGIES, INC.,

Plaintiff

v.

LG ELECTRONICS MOBILECOMM
U.S.A, INC.; MOTOROLA,
INCORPORATED; NOKIA INC.;
SAMSUNG TELECOMMUNICATIONS
AMERICA, L P.,

Defendants

BY _____

Case No.

2-05 CV-535 LED

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff, ICOMM Technologies, Inc. ("ICOMM"), files this Original Complaint against Defendants, LG Electronics MobileComm U.S.A., Inc. ("LG"), Motorola, Incorporated ("Motorola"), Nokia Inc. ("Nokia"), Samsung Telecommunications America, L.P. ("Samsung"), and alleges as follows:

THE PARTIES

1. ICOMM is a corporation organized under the laws of the State of Delaware with its principal place of business at 7 Great Valley Parkway, Suite 210, Malvern, Pennsylvania 19355.
2. LG, on information and belief, is a corporation organized under the laws of the State of California. LG is doing business in Texas, and, on information and belief, has a principal place of business at 9820 Willow Creek Road, San Diego, CA 92131. LG may be served

with process by serving its registered agent, CT Corporation System, 350 N. St. Paul Street, Dallas, TX 75201.

3. Motorola, on information and belief, is a corporation organized under the laws of the State of Delaware. Motorola is doing business in Texas, and, on information and belief, has a principal place of business at 1303 Algonquin Road, Schaumburg, IL 60196. Motorola may be served with process by serving its registered agent, CT Corp. System, 350 N. St. Paul Street, Dallas, TX 75201.
4. Nokia, on information and belief, is a corporation organized under the laws of the State of Delaware. Nokia is doing business in Texas, and, on information and belief, has a principal place of business at 6000 Connection Drive, Irving, TX 75039. Nokia may be served with process by serving its registered agent, National Registered Agents, Inc., at 1614 Sidney Baker Street, Kerrville, TX 78208.
5. Samsung, on information and belief, is a corporation organized under the laws of the State of Delaware. Samsung is doing business in Texas, and, on information and belief, has a principal place of business at 1130 E. Arapaho Road, Richardson, TX 75081. Samsung may be served with process by serving its registered agent, Jeong Han Kim at 1130 Arapaho Road, Richardson, TX 75081.

JURISDICTION & VENUE

6. This is an action for infringement of a United States patent. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. § 1 et. seq. and jurisdiction is properly based on Title 35 United States Code, particularly § 271, and title 28 United States Code, particularly § 1338(a).

7. LG, upon information and belief, transacts business in this judicial district by manufacturing, using, selling, or offering to sell products as described and claimed in United States Patent No. 6,427,009, the patent at issue in this lawsuit, and/or by conducting other business in this judicial district.
8. Motorola, upon information and belief, transacts business in this judicial district by manufacturing, using, selling, or offering to sell products as described and claimed in United States Patent No. 6,427,009, the patent at issue in this lawsuit, and/or by conducting other business in this judicial district.
9. Nokia, upon information and belief, transacts business in this judicial district by manufacturing, using, selling, or offering to sell products as described and claimed in United States Patent No. 6,427,009, the patent at issue in this lawsuit, and/or by conducting other business in this judicial district.
10. Samsung, upon information and belief, transacts business in this judicial district by manufacturing, using, selling, or offering to sell products as described and claimed in United States Patent No. 6,427,009, the patent at issue in this lawsuit, and/or by conducting other business in this judicial district.
11. Venue is proper in this court under Title 28 United States Code § 1391(b) and 1400(b).

PATENT INFRINGEMENT COUNT

12. On September 28, 2004, United States Patent No. 6,799,295 (“the ‘295 patent”) entitled “High Speed Turbo Codes Decoder for 3G Using Pipelined SISO Log-Map Decoders Architecture” was duly and legally issued. A true and correct copy of the ‘295 patent is attached as Exhibit A.

13. On November 2, 2004, United States Patent No. 6,813,742 ("the '742 patent") entitled "High Speed Turbo Codes Decoder for 3G Using Pipelined SISO Log-Map Decoders Architecture" was duly and legally issued. A true and correct copy of the '742 patent is attached as Exhibit B.
14. Pursuant to 35 U.S.C. § 282, the above-listed United States Patents are presumed valid.
15. ICOMM is the owner of the '295 and '742 patents.
16. LG, on information and belief, manufactures, uses, and sells products that operate in accordance with the Third Generation Partnership Project (3GPP) or 3GPP2 standards. LG's products incorporate turbo decoder technology which infringes at least claims 22, 23, 25, 29, and 30 of the '295 patent and claims 1, 3, 5, 6, and 8 of the '742 patent, including for example and without limitation LG's VX8000 and VX8100 cellular telephones, as well as any other cellular telephones or devices acting or capable of acting in the manner described and claimed in the '295 and '742 patents.
17. Motorola, on information and belief, manufactures, uses, and sells products that operate in accordance with the Third Generation Partnership Project (3GPP) or 3GPP2 standards. Motorola's products incorporate turbo decoder technology which infringes at least claims 22, 23, 25, 29, and 30 of the '295 patent and claims 1, 3, 5, 6, and 8 of the '742 patent, including for example and without limitation Motorola's A845 cellular telephone, as well as any other cellular telephones or devices acting or capable of acting in the manner described and claimed in the '295 and '742 patents.
18. Nokia, on information and belief, manufactures, uses, and sells products that operate in accordance with the Third Generation Partnership Project (3GPP) or 3GPP2 standards.

Nokia's products incorporate turbo decoder technology which infringes at least claims 22, 23, 25, 29, and 30 of the '295 patent and claims 1, 3, 5, 6, and 8 of the '742 patent, including for example and without limitation Nokia's 6651 cellular telephone, as well as any other cellular telephones or devices acting or capable of acting in the manner described and claimed in the '295 and '742 patents

19. Samsung, on information and belief, manufactures, uses, and sells products that operate in accordance with the Third Generation Partnership Project (3GPP) or 3GPP2 standards. Samsung's products incorporate turbo decoder technology which infringes at least claims 22, 23, 25, 29, and 30 of the '295 patent and claims 1, 3, 5, 6, and 8 of the '742 patent, including for example and without limitation Samsung's SCH-a890 cellular telephone, as well as any other cellular telephones or devices acting or capable of acting in the manner described and claimed in the '295 and '742 patents.
20. The Defendants' infringement of the '295 and '742 patents alleged above has injured ICOMM and thus, it is entitled to recover damages adequate to compensate for the Defendants' infringement, which in no event can be less than a reasonable royalty.

DEMAND FOR JURY TRIAL

21. ICOMM hereby demands a jury trial on all claims and issues triable of right by a jury.

PRAYER FOR RELIEF

Wherefore, ICOMM prays for entry of judgment:

A that Defendants, LG, Motorola, Nokia and Samsung, have infringed one or more claims of the '294 and '742 patents;

B that Defendants, LG, Motorola, Nokia and Samsung, account for and pay to ICOMM all damages caused by the infringement of the '295 and '742 patents, which by statute can be no less than a reasonable royalty;

C that ICOMM be granted pre-judgment and post-judgment interest on the damages caused to them by reason of Defendants, LG, Motorola, Nokia and Samsung's infringement of the '295 and '742 patent;

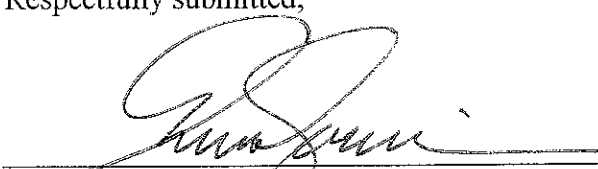
D that ICOMM be granted its attorneys' fees in this action;

E that costs be awarded to ICOMM;

F that ICOMM be granted such other and further relief as the Court may deem just and proper under the current circumstances

Respectfully submitted,

Date: 11/29/05


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